

INSTITUTE  
FORM PTO-1390  
(REV. 10-2004)

U.S. DEPARTMENT OF COMMERCE PATENT AND TRADEMARK OFFICE

**TRANSMITTAL LETTER TO THE UNITED STATES  
DESIGNATED/ELECTED OFFICE (DO/EO/US)  
CONCERNING A FILING UNDER 35 U.S.C. 371**

ATTORNEY'S DOCKET NUMBER  
B1180/20030

U.S. APPLICATION NO. (If known, see 37 CFR 1.5)  
10/511,950

INTERNATIONAL APPLICATION NO.  
PCT/EP03/04148

INTERNATIONAL FILING DATE  
April 22, 2003

PRIORITY DATE CLAIMED  
April 22, 2002

TITLE OF INVENTION      MEASURING DEVICE, PARTICULARLY FOR CONDUCTING  
SPECTROSCOPIC MEASUREMENTS

APPLICANT(S) FOR DO/EO/US      Hans Joachim BRUINS

Applicant herewith submits to the United States Designated/Elected Office (DO/EO/US) the following items and other information:

1. ☐ This is a **FIRST** submission of items concerning a filing under 35 U.S.C. 371.
2. ☒ This is a **SECOND** or **SUBSEQUENT** submission of items concerning a filing under 35 U.S.C. 371.
3. ☒ This is an express request to begin national examination procedures (35 U.S.C. 371(f)). The submission must include items (5), (6), (9) and (21) indicated below.
4. ☐ The US has been elected (Article 31).
5. ☐ A copy of the International Application as filed (35 U.S.C. 371(c)(2))
  - a. ☐ is attached hereto (required only if not communicated by the International Bureau).
  - b. ☐ has been communicated by the International Bureau.
  - c. ☐ is not required, as the application was filed in the United States Receiving Office (RO/US).
6. ☐ An English language translation of the International Application as filed (35 U.S.C. 371(c)(2)).
  - a. ☐ is attached hereto.
  - b. ☐ has been previously submitted under 35 U.S.C. 154(d)(4).
7. ☐ Amendments to the claims of the International Application under PCT Article 19 (35 U.S.C. 371(c)(3))
  - a. ☐ are attached hereto (required only if not communicated by the International Bureau).
  - b. ☐ have been communicated by the International Bureau.
  - c. ☐ have not been made; however, the time limit for making such amendments has NOT expired.
  - d. ☐ have not been made and will not be made.
8. ☐ An English language translation of the amendments to the claims under PCT Article 19 (35 U.S.C. 371 (c)(3)).
9. ☒ An oath or declaration of the inventor(s) (35 U.S.C. 371(c)(4)).
10. ☐ An English language translation of the annexes of the International Preliminary Examination Report under PCT Article 36 (35 U.S.C. 371(c)(5)).

**Items 11 to 20 below concern document(s) or information included:**

11. ☐ An Information Disclosure Statement under 37 CFR 1.97 and 1.98.
12. ☐ An assignment document for recording. A separate cover sheet in compliance with 37 CFR 3.28 & 3.31 is included.
13. ☐ A preliminary amendment.
14. ☐ An Application Data Sheet under 37 CFR 1.76.
15. ☐ A substitute specification.
16. ☐ A power of attorney and/or change of address letter.
17. ☐ A computer-readable form of the sequence listing in accordance with PCT Rule 13ter.2 and 35 U.S.C. 1.821 - 1.825.
18. ☐ A second copy of the published International Application under 35 U.S.C. 154(d)(4).
19. ☐ A second copy of the English language translation of the International Application under 35 U.S.C. 154(d)(4).
20. ☒ Other items or information: Express Mail certificate no. EL962209460US, return receipt postcard

U.S. APPLICATION NO. (If known, see 37 CFR 1.5) <b>10/511,950</b>		INTERNATIONAL APPLICATION NO. <b>PCT/EP03/04148</b>		ATTORNEY'S DOCKET NO. <b>B1180/20030</b>	
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<p>21. <input checked="" type="checkbox"/> The following fees are submitted:</p> <p><b>BASIC NATIONAL FEE (37 CFR 1.492 (a) (1) - (5)):</b>          Neither international preliminary examination fee (37 CFR 1.482)          nor international search fee (37 CFR 1.445(a)(2)) paid to USPTO          and International Search Report not prepared by the EPO or JPO ..... <b>\$1110.00</b></p> <p>International preliminary examination fee (37 CFR 1.482) not paid to          USPTO but International Search Report prepared by the EPO or JPO ..... <b>\$950.00</b></p> <p>International preliminary examination fee (37 CFR 1.482) not paid to USPTO          but international search fee (37 CFR 1.445(a)(2)) paid to USPTO ..... <b>\$790.00</b></p> <p>International preliminary examination fee (37 CFR 1.482) paid to USPTO          but all claims did not satisfy provisions of PCT Article 33(1)-(4) ..... <b>\$750.00</b></p> <p>International preliminary examination fee (37 CFR 1.482) paid to USPTO          and all claims satisfied provisions of PCT Article 33(1)-(4) ..... <b>\$100.00</b></p> <p style="text-align: center;"><b>ENTER APPROPRIATE BASIC FEE AMOUNT =</b></p> <p>Surcharge of <b>\$130.00</b> for furnishing the oath or declaration later than 30          months from the earliest claimed priority date (37 CFR 1.492(e)).</p> <table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <th style="width: 15%;">CLAIMS</th> <th style="width: 15%;">NUMBER FILED</th> <th style="width: 15%;">NUMBER EXTRA</th> <th style="width: 15%;">RATE</th> <th style="width: 15%;">\$</th> <th style="width: 20%;"></th> </tr> <tr> <td>Total claims</td> <td>15 - 20 =</td> <td></td> <td>x \$18.00</td> <td></td> <td></td> </tr> <tr> <td>Independent claims</td> <td>2 - 3 =</td> <td></td> <td>x \$88.00</td> <td></td> <td></td> </tr> <tr> <td colspan="3">MULTIPLE DEPENDENT CLAIM(S) (if applicable)</td> <td>+ \$300.00</td> <td></td> <td></td> </tr> <tr> <td colspan="4" style="text-align: center;"><b>TOTAL OF ABOVE CALCULATIONS =</b></td> <td>\$</td> <td></td> </tr> <tr> <td colspan="4"><input checked="" type="checkbox"/> Applicant claims small entity status. See 37 CFR 1.27. The fees indicated above are reduced by 1/2.</td> <td>+</td> <td>\$ 65.00</td> </tr> <tr> <td colspan="4" style="text-align: center;"><b>SUBTOTAL =</b></td> <td>\$ 65.00</td> <td></td> </tr> <tr> <td colspan="4">Processing fee of <b>\$130.00</b> for furnishing the English translation later than 30 months from the earliest claimed priority date (37 CFR 1.492(f)).</td> <td>\$</td> <td></td> </tr> <tr> <td colspan="4" style="text-align: center;"><b>TOTAL NATIONAL FEE =</b></td> <td>\$</td> <td></td> </tr> <tr> <td colspan="4">Fee for recording the enclosed assignment (37 CFR 1.21(h)). The assignment must be accompanied by an appropriate cover sheet (37 CFR 3.28, 3.31). <b>\$40.00</b> per property</td> <td>+</td> <td>\$</td> </tr> <tr> <td colspan="4" style="text-align: center;"><b>TOTAL FEES ENCLOSED =</b></td> <td>\$ 65.00</td> <td></td> </tr> <tr> <td colspan="4"></td> <td>Amt. to be refunded:</td> <td>\$</td> </tr> <tr> <td colspan="4"></td> <td>Amt. to be charged:</td> <td>\$</td> </tr> </table>				CLAIMS	NUMBER FILED	NUMBER EXTRA	RATE	\$		Total claims	15 - 20 =		x \$18.00			Independent claims	2 - 3 =		x \$88.00			MULTIPLE DEPENDENT CLAIM(S) (if applicable)			+ \$300.00			<b>TOTAL OF ABOVE CALCULATIONS =</b>				\$		<input checked="" type="checkbox"/> Applicant claims small entity status. See 37 CFR 1.27. The fees indicated above are reduced by 1/2.				+	\$ 65.00	<b>SUBTOTAL =</b>				\$ 65.00		Processing fee of <b>\$130.00</b> for furnishing the English translation later than 30 months from the earliest claimed priority date (37 CFR 1.492(f)).				\$		<b>TOTAL NATIONAL FEE =</b>				\$		Fee for recording the enclosed assignment (37 CFR 1.21(h)). The assignment must be accompanied by an appropriate cover sheet (37 CFR 3.28, 3.31). <b>\$40.00</b> per property				+	\$	<b>TOTAL FEES ENCLOSED =</b>				\$ 65.00						Amt. to be refunded:	\$					Amt. to be charged:	\$	<b>CALCULATIONS PTO USE ONLY</b>	
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a. ☐ A check in the amount of \$ \_\_\_\_\_ to cover the above fees is enclosed.

b. ☒ Please charge my Deposit Account No. 03-0075 in the amount of \$ 65.00 to cover the above fees.  
A duplicate copy of this sheet is enclosed.

c. ☒ The Commissioner is hereby authorized to charge any additional fees which may be required, or credit any overpayment to  
Deposit Account No. 03-0075. A duplicate copy of this sheet is enclosed.

d. ☐ Fees are to be charged to a credit card. **WARNING:** Information on this form may become public. **Credit card information  
should not be included on this form.** Provide credit card information and authorization on PTO-2038.

**NOTE:** Where an appropriate time limit under 37 CFR 1.494 or 1.495 has not been met, a petition to revive (37 CFR 1.137 (a)  
or (b)) must be filed and granted to restore the Application to pending status.

SEND ALL CORRESPONDENCE TO:

Customer No. 03000

SIGNATURE  
 David M. Tener  
 NAME  
 37,054  
 REGISTRATION NUMBER

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
PATENT EXAMINING OPERATION

Applicant(s): Hans Joachim BRUINS

U.S. App. Serial No: 10/511,950

International App. No.: PCT/EP03/04148

Filed: October 21, 2004

International Filing Date: April 22, 2003

Att. Docket No.: B1180/20030

Confirmation No.:

For: Measuring Device, Particularly For Conducting Spectroscopic Measurements

**SUBMISSION OF DECLARATION**

Mail Stop PCT  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

Applicants enclose a Declaration executed by the inventor to complete the filing requirements under 35 U.S.C. 371 in the United States Designated/Elected Office (DO/EO/US). Authorization to charge the small entity surcharge under 37 CFR 1.492(e) is granted in the attached Transmittal Letter.

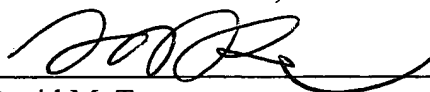
The Declaration is compliant with 37 CFR 1.497(a) and (b), when read in conjunction with the Application Data Sheet filed (October 21, 2004), which identifies the International Application Number (PCT/EP03/04148) and International Filing Date (April 22, 2003). 37 CFR §§ 1.497(c) and 1.67.

As of this date a Notification of Missing Requirements Under 35 U.S.C. 371 has not been received. Applicant respectfully requests that a Notice of Acceptance be issued.

Respectfully submitted,  
CAESAR, RIVISE, BERNSTEIN,  
COHEN & POKOTILOW, LTD.

November 30, 2004

By



David M. Tener

Registration No. 37,054

Customer No. 03000

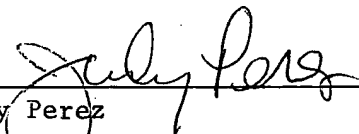
(215) 567-2010

Attorneys for Applicant(s)

Please charge or credit our Account No.  
03-0075 as necessary to effect entry and/or  
ensure consideration of this submission.

**Express Mail Certification**

I hereby certify that this correspondence (including all attachments referenced herein) is being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 CFR 1.10 with the Express Mail No. EL 962209460 US in an envelope addressed to Mail Stop PCT, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on November 30, 2004.

  
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Judy Perez